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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 JAMES TODD SMITH, an individual,

12 Plaintiff,

13 v.
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15 GUERILLA UNION, INC., a
16 suspended California corporation; and
17 DOES 1-10, inclusive,

18 Defendant.
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Case No. 2:18-cv-9902 DSF (AGRx)

JUDGMENT

20 The Court, having granted Plaintiff's Motion for Default Judgment:

21 IT IS ORDERED that judgment is entered for Plaintiff and against Defendant
22 Guerilla Union, Inc.;

23 IT IS ORDERED and the Court finds that Plaintiff is the exclusive owner of
24 the ROCK THE BELLS, ROCK THE BELLS MUSIC GROUP, and ROCK THE
25 BELLS RADIO marks (RTB Marks) and that the RTB Marks are valid and
26 protectable;

27 IT IS ORDERED that Defendant and, as applicable, its officers, agents,
28 servants, directors, employees, partners, representatives, assigns, successors, related
companies, and attorneys and all persons in active concert or participation with

1 Defendant or with any of the foregoing be permanently enjoined and restrained
2 from:

3 a. Manufacturing, transporting, promoting, importing, advertising,
4 publicizing, distributing, offering for sale, or selling any goods or services offered
5 under the RTB Marks, or any other mark, name, symbol, or logo that is likely to
6 cause confusion or to cause mistake or to deceive persons into the erroneous belief
7 that any goods or services that Defendant caused to enter the stream of commerce
8 or any of Defendant's commercial activities are sponsored or licensed by Plaintiff,
9 are authorized by Plaintiff, or are connected or affiliated in some way with Plaintiff
10 or his Marks;

11 b. Manufacturing, transporting, promoting, importing, advertising,
12 publicizing, distributing, offering for sale, or selling any goods or services offered
13 under the RTB Marks or any other mark, name, symbol, or logo that is a copy or
14 colorable imitation of, incorporates, or is confusingly similar to the RTB Marks;

15 c. Implying Plaintiff's approval, endorsement, or sponsorship of, or
16 affiliation or connection with, Defendant's goods, services, or commercial activities
17 or engaging in any act or series of acts which, either alone or in combination,
18 constitute unfair methods of competition with Plaintiff and from otherwise
19 interfering with or injuring the RTB Marks or the goodwill associated therewith;

20 d. Representing or implying that Defendant is in any way sponsored by,
21 affiliated with, or licensed by Plaintiff; or

22 e. Knowingly assisting, inducing, aiding, or abetting any other person or
23 business entity in engaging in or performing any of the activities referred to in
24 paragraphs (a) to (d) above;

25 IT IS ORDERED that, by May 10, 2019, Defendant is to deliver to Plaintiff
26 for destruction all items in Defendant's possession bearing the RTB Marks or any
27 logo that is confusingly similar to the RTB Marks;

28 IT IS ORDERED that, by May 10, 2019, Defendant provide Plaintiff with all

1 account administration, authorization, and information Defendant possesses
2 concerning the <rockthebells.net> domain name (the Domain Name) – including,
3 but not limited to, account user names and passwords – needed to enable Plaintiff
4 to direct the transfer of the Domain Name to Plaintiff, and that Defendant cooperate
5 with Plaintiff in obtaining the transfer;


6 IT IS ORDERED that, by May 10, 2019, Defendant provide Plaintiff with all
7 account administration, authorization, and information Defendant possesses
8 concerning the Twitter handle @rockthebells, i.e., <twitter.com/rockthebells>, the
9 “Rock the Bells” Facebook account, i.e., <facebook.com/rockthebellsfestival>, and
10 “Rock the Bells” MySpace account, i.e., <myspace.com/rockthebells> (the Social
11 Media Accounts) – including, but not limited to, account user names and passwords
12 – needed to enable Plaintiff to direct the transfer of the Social Media Accounts to
13 Plaintiff, and that Defendant cooperate with Plaintiff in obtaining the transfer;

14 IT IS ORDERED that, by May 10, 2019, Defendant provide Plaintiff with all
15 email addresses Defendant has collected from the Domain Name; and

16 IT IS ORDERED that if Defendant does not comply with this Judgment
17 within the time frame provided or does not comply at all, Plaintiff may serve this
18 order on (1) the domain name registrar for the Domain Name to have the registrar
19 transfer the Domain Name to Plaintiff without Defendant’s cooperation, and (2) all
20 social media account operators and have all account information for the Social
21 Media Accounts transferred to Plaintiff. Plaintiff may also move for contempt
22 against Defendant to obtain compliance with this order and/or for sanctions against
23 Defendant.

24 IT IS SO ORDERED.

25 DATED: April 23, 2019

26 
27 Honorable Dale S. Fischer
28 UNITED STATES DISTRICT JUDGE